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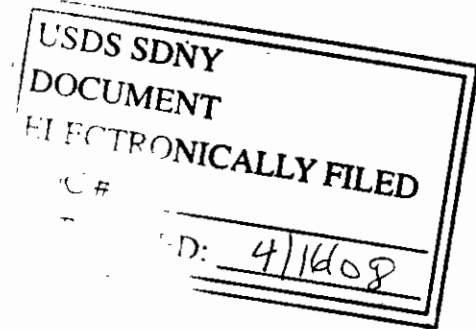
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April 15, 2008

Via e-mail eileen_levine@nysd.uscourts.gov

Hon. Richard J. Sullivan
United States District Court
Southern District of New York
500 Pearl Street – Room 615
New York, NY 10007



Re: Birks & Mayors Inc. v. L.J. West Diamonds, Inc.
No. 07-CV-6688(RJS)

Dear Judge Sullivan:

The undersigned represent L.J. West Diamonds, Inc., defendant in the above referenced action. We write on behalf of counsel for both parties in response to your Honor's endorsed memo of April 9, 2008, denying the parties' joint application for a 60-day extension of the discovery period, but granting leave to renew with an explanation regarding the reason for the extension. Accordingly, we would respectfully request that the Court reconsider the parties' application, for the following reasons.

By the end of fact discovery, Monday, April 21st, we will have completed four of the six party depositions contemplated by counsel at the outset of this matter. One of defendant's representatives was deposed on March 13, 2008. Counsel had scheduled dates for certain other party depositions, on March 21 and March 28, 2008, which, due to scheduling conflicts, were cancelled at the last minute. We then attempted to reschedule everyone within the time frame of the Case Management Plan and Scheduling Order, but were unable to do so because both plaintiff's and defendant's witnesses were attending a diamond industry trade show in Switzerland between April 3 and April 11, 2008. As mentioned above, three of the remaining party depositions will be completed by the scheduled end of fact discovery. Conflicts with other previously scheduled matters unfortunately preclude completion of the other two (2) party witnesses by the end of fact discovery.

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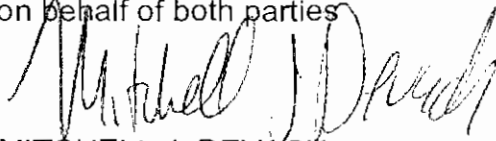
April 15, 2008

Plaintiff's counsel has also served a deposition subpoena on a non-party witness located in Michigan. While that examination is noticed for April 18, 2008, the non party has not yet indicated whether he will appear on that date.

In total, there remain three (3) depositions yet to be taken. Counsel's joint request for an extension of 60 days, rather than for a shorter period, is based on our belief that an extension of that length will be sufficient to cover every possible contingency, including securing the cooperation of the non-party witness in Michigan. Accordingly, we would respectfully request that an extension of the end date for fact discovery to June 19, 2008 and a similar 60 day extension for the conclusion of all discovery, to July 21, 2008.

We thank the Court for its consideration.

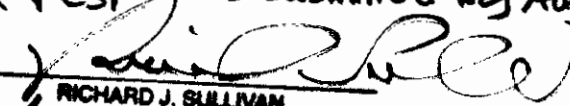
Respectfully submitted,
on behalf of both parties


MITCHELL J. DEVACK

MJD:mfr

cc: Robert A. O'Hare Jr. (via e-mail)

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The parties' request
for a 60-day extension
to the discovery schedule
is GRANTED. The post-Discovery
Conference previously scheduled
for June 19, 2008 ~~is~~ hereby
adjourned to August 19, 2008
at 4:30 pm. Pre-Motion letters,
if any, are to be submitted by August
4, 2008, with responses submitted by August
7, 2008. SO ORDERED.
Dated: 4/15/08

RICHARD J. SULLIVAN
U.S.D.J.